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Olli Rantapuska

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EXAMINER

HO, HUY C

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,250	<b>Applicant(s)</b> RANTAPUSKA, OLLI	
	<b>Examiner</b> HUY C. HO	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,13-15,17-20,22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,13-15,17-20,22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/2009 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 10, 13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 10, 13-15, 17-20, 22 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robarts et al (US 2004/0002843)** and further in view of **Van Rens (US 2003/0070156)**.

**Consider claim 1,** (Currently Amended) Robarts discloses a method (*see Robarts, the abstract*), comprising:

detecting an initiation event for establishing a simulated communication in a terminal device (*see Robarts, the abstract, figure 2, pars [12], [41], [68], [69], see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19*), wherein said terminal device is configured to receive messages from a second device (*see Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*).

determining properties of said detected initiation event, generating a simulated message related to said determined properties (*see Robarts, pars [40]-[41], [51], [68]-[70], see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19*), said message being generated from data stored in a storage (*see Robarts, figure 10, numbers 1013-1015, pars [64]-[66], describing various data repositories in a device, thus disclosing storage*);

presenting said simulated message via said standard communication functionality of the terminal device (*Robarts, pars [92], [96], or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34*), where said standard communication functionality is further configured for presenting messages received from the second device (*see Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*).

wherein said simulated message has the appearance of a typical message received from the second device and presented via (*see Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*), said standard communication

functionality (*Robarts, pars [90]-[92], [99], describing the simulation engine interacts with the user device when the user types in not-canned questions in many ways, including changing states of the device, ringing, text, audio, or graphic form, see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34*).

Robarts does not teach extracting one name from a phonebook. Van Rens teaches extracting one name from a phonebook (see Van Rens, pp [51]), therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Robarts by combining teachings of Van Rens of a mobile device having application program interface running on a simulation program and extracting a name from a phonebook during the simulation process thus improving the sophisticated interfacing tasks between a user and a device and providing user friendly and user attracting to users as taught by Van Rens (see Van Rens, pp [1]-[10]).

**Consider claim 10, (Currently Amended)** Robarts et al. teach a computer-readable storage medium having program code stored thereon, wherein said program code run on a computer or network device, carries out a method comprising (*see Robarts, the abstract, pp [2]*):

detecting an initiation event for establishing a simulated communication in a terminal device (*Robarts, the abstract, figure 2, pars [12], [41], [68], [69], or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19*), wherein said terminal device is configured to receive messages from a second device (*Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*);

determining properties of said detected initiation event, generating a simulated message related to said determined properties (*Robarts, pars [40]-[41], [51], [68]-[70], see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19*), said message being generated from data stored in a storage (*Robarts, figure 10,*

*numbers 1013-1015, pars [64]-[66], describing various data repositories in a device, thus disclosing storage), and*

*presenting said simulated message via a standard communication functionality of the terminal device (Robarts, pars [92], [96], see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34), wherein said standard communication functionality is further configured for presenting messages received from the second device (Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network);*

*wherein said simulated message has the appearance of a typical message received from the second device (Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network), and presented via said standard communication functionality (Robarts, pars [90]-[92], [99], describing the simulation engine interacts with the user device when the user types in not-canned questions in many ways, including changing states of the device, ringing, text, audio, or graphic form, or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34).*

Robarts does not teach extracting one name from a phonebook. Van Rens teaches extracting one name from a phonebook (see Van Rens, pp [51]), therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Robarts by combining teachings of Van Rens of a mobile device having application program interface running on a simulation program and extracting a name from a phonebook during the simulation process thus improving the sophisticated interfacing tasks between a user and a device and providing user friendly and user attracting to users as taught by Van Rens (see Van Rens, pp [1]-[10]).

**Consider claim 13, (Currently Amended)** Robarts discloses an apparatus, comprising:

a detection module for detecting an initiation event for establishing a simulated communication (*see Robarts, the abstract, figure 2, pars [12], [41], [68], [69], see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34*),

a determination module, connected to said detection module for determining properties of said detected initiation event (*Robarts, pars [11], [40]-[41], [51], [68]-[70], or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34*);

a received module for receiving messages from at least one other device (*Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*);

a storage for storing components of simulated messages (*Robarts, figures 6, 10, pars [65]-[66]*);

a generation module, connected to said determination module and to said storage module, for generating simulated messages from said stored components in correspondence with said determined properties (*Robarts, pars [36], [41], [51], [72]*);

a communication component for presenting said generated simulated messages (*Robarts, pars [92], [96]*), and said messages received from said second device (*Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*);

wherein said communication component comprises said standard communication functionality of the apparatus for presenting said generated simulated messages (*Robarts, pars [92], [96], or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34*), and

wherein said generated simulated messages have the appearance of a typical message received from said second device via a received module and presented via (*Robarts, figure 12, paragraph [70]*,

*disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network), said standard communication functionality (Robarts, pars [90]-[92], [99], describing the simulation engine interacts with the user device when the user types in not-canned questions in many ways, including changing states of the device, ringing, text, audio, or graphic form, or see the provisional application, page 1 lines 14-17, page 5 lines 5-11, page 6 lines 5-10, 17-20, 24-25, page 12 figure 3, page 13 lines 15-19, page 21 lines 18-34).*

Robarts does not teach extracting one name from a phonebook. Van Rens teaches extracting one name from a phonebook (see Van Rens, pp [51]), therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Robarts by combining teachings of Van Rens of a mobile device having application program interface running on a simulation program and extracting a name from a phonebook during the simulation process thus improving the sophisticated interfacing tasks between a user and a device and providing user friendly and user attracting to users as taught by Van Rens (see Van Rens, pp [1]-[10]).

**Consider claim 17, (Currently Amended)** Robarts discloses an apparatus, comprising:

means for detecting an initiation event for establishing a simulated communication (*Robarts, the abstract, figure 2, pars [12], [41], [68], [69]*);

means, connected to said detection module for determining properties of said detected initiation event (*Robarts, pars [11], [40]-[41], [51], [68]-[70]*);

means for storing components of simulated messages (*Robarts, figures 6, 10, pars [65]-[66]*);

means for receiving messages via a communication network from a second device (*Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network*);

means, connected to said determination module and to said storage module, for generating simulated messages from said stored component in correspondence with said determined properties



*(Robarts, pars [11], [40]-[41], [51], [68]-[70]); and*

*means for presenting said generated simulated messages (Robarts, pars [92], [96]),*

*wherein said means for presenting said generated simulated messages comprises a standard communication functionality of the apparatus for presenting said generated simulated messages (Robarts, pars [90]-[92], [96], [99]), and said messages received via a communication network (Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network); and*

*wherein said generated simulated messages have the appearance of a typical message received via the means for receiving messages from said second device (Robarts, figure 12, paragraph [70], disclosing the client device 1201 comprising a simulation engine in the memory of the device, and the device 1201 communicates and responds accordingly with other wireless devices via a network) and presented via said standard communication functionality (Robarts, pars [90]-[92], [96], [99]).*

Robarts does not teach extracting one name from a phonebook. Van Rens teaches extracting one name from a phonebook (see Van Rens, pp [51]), therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Robarts by combining teachings of Van Rens of a mobile device having application program interface running on a simulation program and extracting a name from a phonebook during the simulation process thus improving the sophisticated interfacing tasks between a user and a device and providing user friendly and user attracting to users as taught by Van Rens (see Van Rens, pp [1]-[10]).

**Consider claim 2,** (previously presented) The method according to claim 1, Robarts, **as modified by Van Rens, further teaches** wherein said generating comprises composing said simulated message from said data in correspondence with said determined properties and composing rules stored in said storage *(Robarts, pars [11], [40]-[41], [51], [68]-[70]).*

**Consider claim 3,** (previously presented) The method according to claim 1, Robarts discloses

further comprising opening a timeframe after the detection of said initiation event, and presenting said simulated message after the timeframe has closed (*Robarts, par [60]*).

**Consider claim 4**, (previously presented) as applied to claim 1, Robarts, as modified by Van Rens, further teaches receiving data from a provider, data comprises components, fragments of simulated messages and rules for generating said simulated message (*Robarts, figure 10, pars [36]-[37], [66], [69]-[70], where Robarts discloses information, attributes and behavior of simulated phenomena, the data stored in the repositories in the simulation engine are available through a web servers, thus discloses receiving data from a provider, data comprises components, fragments of simulated messages and rules for generating said simulated message*).

**Consider claim 5**, (previously presented) as applied to claim 1, Robarts, as modified by Van Rens, further teaches said initiation event is a predetermined point of time (*Robarts, par [51], where Robarts discloses the simulated phenomena attributes data repository 620 typically stores information that is used to characterize and implement the "behavior" of simulated phenomena, responses to interaction requests, for example, attributes may include values for location, orientation, velocity, direction, acceleration, path, size, duration schedule, type, elasticity, mood, temperament, image, ancestry, or any other seemingly real world or imaginary characteristic of simulated phenomena, thus discloses the initiation event is a predetermined point of time*).

**Consider claim 6**, (previously presented) as applied to claim 1, Robarts, as modified by Van Rens, further teaches said initiation event is defined by a reception of a user input or the reception of a message from a provider (*Robarts, figures 9, 10, paragraphs [60], [66], where Robarts teaches the mobile device senses values based on the real world environment through an operator input and also teaches information, attributes and behavior of simulated phenomena, the data stored in the repositories in the simulation engine are available through a web servers, thus Robarts teaches said initiation event is defined by a reception of a user input or the reception of a message from a provider*).

**Consider claim 7**, (previously presented) as applied to **claim 1**, Robarts, as modified by Van Rens, further teaches a method of analyzing and evaluating said initiation event (*Robarts, par [40], where Robarts discloses the simulation engine responds to such indicated requests by determining whether the indicated interaction request is permissible and performing the interaction request if deemed permissible, so discloses a method of analyzing and evaluating said initiation event*).

**Consider claim 8**, (previously presented) as applied to **claim 1**, Robarts, as modified by Van Rens, further teaches at least one of said simulated messages comprises at least one advertisement (*Robarts, para [48], where Robarts teaches the mobile user is led by the Simulate Phenomena Integrated System to the desired physical destination and encouraged to engage in desired behavior, such as paying for the ride, by being "rewarded" by the SPIS according to the narrative, such as becoming eligible for some real world prize once the state of the mobile device is shown to a park operator, many other gaming, training, and computer aided learning experiences can be similarly presented and supported using the techniques of a Simulated Phenomena Interaction System, thus discloses said simulated messages comprises at least one advertisement*).

**Consider claim 14**, (previously presented) as applied to **claim 13**, Robarts, as modified by Van Rens, further teaches an interface module for receiving data comprising components of said simulated messages and generation rules for generating said simulated messages (*Robarts, figure 11, numbers 1105, 1106, 1102, 1103, 1107, 1108; pars [69], [73], where Robarts discloses input/output devices 1106, a display 1102, network devices 1106 and environment sensors 1103 are used for interacting, communicating or sensing/detecting the simulated phenomena with the simulation engine, thus disclose an interface module for receiving data comprising components of said simulated messages and generation rules for generating said simulated messages*).

**Consider claim 15**, (previously presented) as applied to **claim 13**, Robarts, as modified by Van Rens, further teaches that the said terminal device comprises a mobile phone (*Robarts, figure 2, number 201, figure 6, numbers 601, 604*).

**Consider claim 18,** (previously presented) as applied to **claim 17**, Robarts, as modified by Van Rens, further teaches means for receiving data comprising components of said simulated messages and generation rules for generating said simulated messages (*see Robarts, figure 6, numbers 620-624, figures 8 and 9, figure 12, number 1207 and 1220, see pars [11], [40], [41], [52], [55], [59], [60] and [70]*).

**Consider claims 19,** (Previously Presented) The method according to claims 1, Robarts, as modified by Van Rens, teaches accessing a phonebook stored at said mobile terminal; and extracting at least one of a name and a telephone number from said phonebook for said simulated message (*see Van Rens, pp [51]*).

**Consider claim 20,** (Previously Presented) The method according to claim 1, Robarts, as modified by Van Rens, teaches wherein said detecting said initiation event further comprises:

intercepting a message, which are received by said terminal device; and providing said intercepted message for generation of said simulated message (*see Van Rens, pp [51], the simulation program intercepts messages of the user while the user interacts with the phone*).

**Consider claim 22,** (Previously Presented) The apparatus according to claim 13, Robarts, as modified by Van Rens, teaches a message inbox, from which a message received by said apparatus is intercepted and provided to said generation module for generating said simulated message (*see Van Rens, pp [31]-[34], [51]*).

**Consider claim 24,** (Previously Presented) The apparatus according to claim 17, Robarts, as modified by Van Rens, teaches means for storing an incoming message received by said apparatus; and means for intercepting said incoming message and providing said intercepted message to said means for generating said simulated message (*see Van Rens, pp [31]-[34], [51]*).

**Consider claim 25,** (new) The method according to claim 1, Robarts, as modified by Van Rens, teaches adding a name and telephone number to said phonebook representing a simulation character for said simulated messages (*see Van Rens, pp [31]-[34], [51]*).

**Consider claim 26, (new)** The apparatus according to claim 13, Robarts, as modified by Van Rens, teaches means for adding a name and telephone number to said phonebook representing a simulation character for said simulated messages (*see Van Rens, pp [31]-[34], [51]*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy C Ho/  
Examiner, Art Unit 2617

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2617

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